

REMARKS

Claims 1-9 remain pending in the application.

The undersigned conducted a telephone interview with the Examiner on 5/1/07. The various rejections pending against the claims were discussed during such interview, and various strategies were discussed for addressing some of the rejections. The undersigned thanks the Examiner for the courtesy and helpfulness extended during the telephone interview.

Claims 1 and 7-9 stand rejected under 35 USC §112 for being indefinite.

Regarding claims 1, 8 and 9, the Examiner contends that it is inappropriate to recite upper levels of alpha flux without also reciting a lower level. For instance, in claim 1 the Examiner is rejecting a recitation of "an alpha flux less than 0.0005 cts/cm²/hr". The Examiner contends that the claim is indefinite because a person of ordinary skill in the art would not know what the lower level of alpha flux were from such claim.

Applicant respectfully submits that a person of ordinary skill in the art would recognize that the lower level of alpha flux is 0 cts/cm²/hr. In other words, a person of ordinary skill in the art would recognize that the recitation of "an alpha flux less than 0.0005 cts/cm²/hr" means an alpha flux greater than or equal to 0 cts/cm²/hr and less than 0.0005 cts/cm²/hr. The person of ordinary skill in the art recognizes this because the alpha flux would not be a negative number. The Patent Office has previously adopted applicant's position. For instance, the Examiner cites a patent issued to Miller (US patent 5,965,945) in a §103 rejection against claim 1. The Examiner is referred to claim 37 of Miller which recites an alpha particle emissive characteristic of "less than about 0.5 alpha particles per